

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 24, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B132682 People v. Medina
B133303 People v. Rivera
B134546 Swartz v. Schwimmer
B135023 People v. Estrada
B135858 People v. Sisneros
B136233 People v. Coleman
B136453 People v. Hoof
B136596 People v. Quincy J.
B136651 Craig v. Brown & Root, Inc.
B136912 People v. Kelly C.
B137509 People v. Belfrey
B137529 People v. Cida
B138395 People v. Ellis
B138411 People v. Davenport
B138505 People v. Pryce
B140413 People v. Moreno
B140713 D.C.F.S. v. Adriana S.
B140906 People v. King
B143396 Judith V. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B133568 Niel
 v.
 Jeffer Mangels Butler & Marmaro et al.

Merits:
Argued by David Cordrey for appellant and by Richard A. McDonald for respondents. Cause submitted.

B132292 Zettlemyer
 v.
 Wolfer Printing Company et al.

Merits:
Argued by Gary Carlin for appellant and by James W. Michalski for respondents. Cause submitted.

B133192 People
 v.
 Gutierrez

Merits:
Argued by Jonathan P. Milberg for appellant and by Michelle Paffile, deputy attorney general, for respondent. Cause submitted.

B140362 People
 v.
 Stewart

Appearances:
Thien Tran, deputy attorney general, for respondent and no appearance for appellant. Argument waived, cause submitted.

DIVISION ONE (Continued)

B142473 Marina Emergency Medical Group et al.
v.
Superior Court, Los Angeles County
(Charno, r.p.i.)

Merits:

Argued by Terry L. Kesinger for petitioners and by Sean M. Burke for real party in interest. Cause submitted.

B143616 Marina City Club
v.
Superior Court, Los Angeles County
(Harris, r.p.i.)

Merits:

Argued by Mitchell C. Tilner for petitioner and by Carney R. Shegerian for real party in interest. Cause submitted.

B133825 Alvarez III
v.
City of Los Angeles et al.

Merits:

Argued by Elizabeth Silver Tourgemen for appellant and by Matthew C. St. George, deputy city attorney, for respondents. Cause submitted.

B139307 Rodriguez et al.
v.
DSL Transportation Services, Inc., et al.

Merits:

Argued by Mark H. Herskovitz for appellants and by Richard L. Dewberry for respondents. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

DIVISION ONE (Continued)

B136477 Wilshire-Doheny Associates, Ltd.
v.
Shapiro et al.

Merits:

Argued by Jeffrey L. Melczer for appellant, by Richard N. Rust for respondent Shaprio, by Robert A. Olson for respondent Matsen and by Lawrence Borys for respondent Garber. Cause submitted.

Court adjourned.

B140906 People v. King (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B137555 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Derrick M., et al.

The judgment (order) is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION TWO

B132831 People (Not for Publication)
v.
David Daniel Nevarez

The judgment sentencing appellant to two consecutive prison terms of 25 years to life is reversed, and the matter is remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B137188 Debbi Pokrzywinski (Not for Publication)
v.
John Paul Mitchell Systems

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION THREE

B139815 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Maria E.
In re Esmeregilda E., et al.

The appeal is dismissed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B127047 Rallie P. Rallis (Certified for Publication)
B131724 v.
 Ralph Cassady et al.

The judgments in favor of Hahn & Cazier, Hahn, Cazier & Smaltz, and Morgan Lewis are affirmed. The judgments in favor of Cassady, Cassady Corporation, Cassady & Klein, and Davis Wright are reversed, and the matter is remanded for further proceedings not inconsistent with the views expressed herein. Hahn & Cazier, Hahn, Cazier & Smaltz, and Morgan Lewis shall recover their costs on appeal as against Rallis. Rallis shall recover his costs on appeal as against Cassady, Cassady Corporation, Cassady & Klein, and Davis Wright.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B118185 Arie Joffe et al. (Not for Publication)
 v.
 Eliezer Appel

The purported appeal is dismissed. Joffe's request for sanctions is denied. Joffe to recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B131591 Huff
 v.
 Mervyn's and Dayton Hudson Corporation

Filed order denying petition for rehearing.

DIVISION FOUR (Continued)

B137688 Patsouras (Not for Publication)
v.
State of California

The judgment is reversed and the matter remanded to the trial court for determination of the appropriate amount of attorney fees to be awarded appellant under Government Code section 800. Costs on appeal are awarded to appellant.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B135419 Marshall (Not for Publication)
v.
The Law Firm of Fox and Fox

The judgment (order of dismissal) is reversed with directions to the trial court to enter a new and different order sustaining respondent's demurrer to the Third Amended Complaint with leave to amend to allege a single cause of action for legal malpractice which addresses the issue of the statute of limitations. The parties shall bear their own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B137872 Amalgamated Transit Union et al. (Not for Publication)
 v.
 Los Angeles County Metropolitan Transportation Authority, etc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B141110 People (Not for Publication)
 v.
 Ryan A.

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B135347 People (Not for Publication)
 v.
 Elliott Keys IV

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B135521 William N. Hoston (Not for Publication)
v.
Hansen's Juices, Inc.

The order denying appellant's motion to set aside the dismissal is affirmed.
Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

B133169 People (Not for Publication)
v.
Michael Alondra Hunter

The matter is remanded to the trial court to impose sentence for count 2. After the court imposes sentence, the clerk of the superior court shall amend the abstract of judgment to (1) reflect the sentence for count 2, (2) dismiss both Penal Code section 667.5, subdivision (b) prior prison term enhancements, and (3) correct presentence custody credits to 351 days, consisting of 235 days actual custody and 116 goodtime/worktime custody. The clerk shall then send the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

B134246 James E. De Jarnette
v.
Farmers Insurance Exchange et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment). Justice Godoy Perez would grant petition for rehearing.

DIVISION FIVE (Continued)

B138801 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Santos K.

The appeal is dismissed. Costs are awarded against appellant.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B126806 A-Line International Realty, Inc.
 v.
 Millar Elevator Service Company

Filed order denying petition for rehearing.

DIVISION SIX

B136682 People
 v.
 Nova

Filed order vacating submission order of July 6, 2000 due to complexity of the issues and the need for further research and study. Cause resubmitted as of November 8, 2000.

B128430 Fitzpatrick (Not for Publication)
 v.
 Mohun

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B138020 Schiavone (Not for Publication)
v.
Schiavone

The judgment (order) is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B139664 People (Not for Publication)
v.
Magallon

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

[illegible]

The order of commitment to CYA is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B134201 Barrette (Not for Publication)
v.
Miller

The judgment and order denying attorney fees are affirmed. Costs to Millers.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B136311 Glantz (Not for Publication)
v.
Thompson et al.

The judgment is affirmed. Costs are awarded to respondents.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B133273 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B139255 People v. Cosby (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

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DIVISION SIX (Continued)

B136093 The People (Certified for Publication)

V.

A Ruger .22-Caliber Pistol et al.

Veden

The judgment is affirmed. Each side to bear its own costs.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B129556 Cabrera (Not for Publication)

V.

Home of Christians Los Angeles

The judgment is affirmed. Costs are awarded to HOCLA.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B137427 People (Not for Publication)

V.

Greene et al.

The judgments are affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

DIVISION SIX (Continued)

[illegible]

The clerk of the superior court is directed to issue an amended abstract of judgment deleting any reference to the section 667.5 enhancements and to forward a certified copy of the amended abstract of judgment to the Department of Corrections. The judgment, as modified, is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B135786 People (Not for Publication)
v.
Oliva

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B139002 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B135235 People (Not for Publication)
v.
Lopez

The Superior Court shall cause its clerk to prepare an amended abstract of judgment crediting appellant for 236 days of presentence credit, consisting of 158 days of actual custody and 78 days of local conduct credits, and to forward it to the Department of Corrections. As amended, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B135783 Bonwitt (Not for Publication)
v.
Chicago Title Company

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.